



Paper No. 11

Robert A Saltzberg
Morrison and Foerster LLP
425 Market Street
San Francisco CA 94105-2482

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OFFICE OF PETITIONS

In re Application of	:
Ken Hanscom	: DECISION GRANTING PETITION
Application No. 09/930,120	:
Filed: August 14, 2001	:
Attorney Docket No. Q00-1027-	:
US1/11198.70	:

This is a decision on the petition under 37 CFR 1.181, filed January 9, 2004, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application became abandoned for failure to respond timely to the Notice to File Missing Parts of Nonprovisional Application, mailed September 26, 2001, which set forth a two-month extendable period to respond. In the apparent absence of a timely filed response, the application was held abandoned on December 27, 2001. A Notice of Abandonment was mailed on May 23, 2003.

Petitioner asserts that petitioner timely filed an executed declaration and authorized payment of the basic filing fee, claim fees, and a surcharge in response to the Notice of September 26, 2001. In support of the petition, petitioner submitted copies of the "Response To Notice To File Missing Parts Of Application Filing Date Granted," an executed declaration, and a check in the amount of \$1,338.00, which were said to have been mailed by petitioner but not received by the United States Patent and Trademark Office. The "Response To Notice To File Missing Parts Of Application Filing Date Granted," included a proper certificate of mailing dated November 20, 2001.

37 CFR 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in

accordance with paragraph (a) of this section, but not received by the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In view of the above, the required reply was timely filed pursuant to 37 CFR 1.8. Accordingly, the holding of abandonment is withdrawn and the petition is granted.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions